

AMENDED IN ASSEMBLY APRIL 24, 2000

AMENDED IN ASSEMBLY APRIL 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2355**

**Introduced by Assembly Member Granlund**

February 24, 2000

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An act to amend Section 101 of, and to add Chapter 5.61 (commencing with Section 2580) to Division 2 of, the Business and Professions Code, relating to prosthetic and orthotic practitioners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2355, as amended, Granlund. Orthotic and prosthetic devices and services: licensing and regulation of practitioners.

Existing law does not provide for the specific licensure and regulation of prosthetic and orthotic practitioners.

This bill would provide for the licensure and regulation of practitioners of prosthetics and orthotics. It would create the Prosthetic and Orthotic Board in the Department of Consumers Affairs to administer the licensing and regulatory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 101 of the Business and~~  
2     ~~Professions Code is amended to read:~~  
3     ~~101. The department is comprised of:~~  
4     ~~(a) The Dental Board of California.~~  
5     ~~(b) The Medical Board of California.~~  
6     ~~(c) The State Board of Optometry.~~  
7     ~~(d) The California State Board of Pharmacy.~~  
8     ~~(e) The Veterinary Medical Board.~~  
9     ~~(f) The California Board of Accountancy.~~  
10    ~~(g) The California State Board of Architectural~~  
11    ~~Examiners.~~  
12    ~~(h) The State Board of Barbering and Cosmetology.~~  
13    ~~(i) The Board for Professional Engineers and Land~~  
14    ~~Surveyors.~~  
15    ~~(j) The Contractors' State License Board.~~  
16    ~~(k) The State Board of Funeral Directors and~~  
17    ~~Embalmers.~~  
18    ~~(l) The Structural Pest Control Board.~~  
19    ~~(m) The Bureau of Home Furnishings and Thermal~~  
20    ~~Insulation.~~  
21    ~~(n) The Board of Registered Nursing.~~  
22    ~~(o) The Board of Behavioral Sciences.~~  
23    ~~(p) The State Athletic Commission.~~  
24    ~~(q) The Cemetery Board.~~  
25    ~~(r) The State Board of Guide Dogs for the Blind.~~  
26    ~~(s) The Bureau of Security and Investigative Services.~~  
27    ~~(t) The Court Reporters Board of California.~~  
28    ~~(u) The Board of Vocational Nursing and Psychiatric~~  
29    ~~Technicians.~~  
30    ~~(v) The California State Board of Landscape~~  
31    ~~Architects.~~  
32    ~~(w) The Bureau of Electronic and Appliance Repair.~~  
33    ~~(x) The Division of Investigation.~~  
34    ~~(y) The Bureau of Automotive Repair.~~  
35    ~~(z) The State Board of Registration for Geologists and~~  
36    ~~Geophysicists.~~  
37    ~~(aa) The State Board of Nursing Home~~  
38    ~~Administrators.~~

- 1 ~~(ab) The Respiratory Care Board.~~  
2 ~~(ac) The Acupuncture Examining Committee.~~  
3 ~~(ad) The Board of Psychology.~~  
4 ~~(ae) The California Board of Podiatric Medicine.~~  
5 ~~(af) The Physical Therapy Board.~~  
6 ~~(ag) The Arbitration Review Program.~~  
7 ~~(ah) The Committee on Dental Auxiliaries.~~  
8 ~~(ai) The Hearing Aid Dispensers Examining~~  
9 ~~Committee.~~  
10 ~~(aj) The Physician Assistant Examining Committee.~~  
11 ~~(ak) The Speech Language Pathology and Audiology~~  
12 ~~Board.~~  
13 ~~(al) The Tax Preparers Program.~~  
14 ~~(am) Any other boards, offices, or officers subject to its~~  
15 ~~jurisdiction by law.~~  
16 ~~(an) The California Prosthetic and Orthotic Board.~~  
17 *SECTION 1. Section 101 of the Business and*  
18 *Professions Code is amended to read:*  
19 101. The department is comprised of:  
20 (a) The Dental Board of California.  
21 (b) The Medical Board of California.  
22 (c) The State Board of Optometry.  
23 (d) The California State Board of Pharmacy.  
24 (e) The Veterinary Medical Board.  
25 (f) The California Board of Accountancy.  
26 (g) The California State Architects Board of  
27 Architectural Examiners.  
28 (h) The State Board of Barbering and Cosmetology  
29 Program.  
30 (i) The Board for Professional Engineers and Land  
31 Surveyors.  
32 (j) The Contractors' State License Board.  
33 (k) The State Board of Funeral Directors and  
34 Embalmers Program.  
35 (l) The Structural Pest Control Board.  
36 (m) The Bureau of Home Furnishings and Thermal  
37 Insulation.  
38 (n) The Board of Registered Nursing.  
39 (o) The Board of Behavioral Sciences.  
40 (p) The State Athletic Commission.

- 1 (q) The Cemetery ~~Board~~ *Program*.  
2 (r) The State Board of Guide Dogs for the Blind.  
3 (s) The Bureau of Security and Investigative Services.  
4 (t) The Court Reporters Board of California.  
5 (u) The Board of Vocational Nursing and Psychiatric  
6 Technicians.  
7 (v) ~~The — California — State — Board — of — Landscape~~  
8 ~~Architects.~~  
9 ~~(w) —~~ The Bureau of Electronic and Appliance Repair.  
10 ~~(x)~~  
11 (w) The Division of Investigation.  
12 ~~(y)~~  
13 (x) The Bureau of Automotive Repair.  
14 ~~(z)~~  
15 (y) The State Board of Registration for Geologists and  
16 Geophysicists.  
17 ~~(aa)~~  
18 (z) The State Board of Nursing Home Administrators.  
19 ~~(ab)~~  
20 (aa) The Respiratory Care Board *of California*.  
21 ~~(ac)~~  
22 (ab) The Acupuncture ~~Examining Committee~~ *Board*.  
23 ~~(ad)~~  
24 (ac) The Board of Psychology.  
25 ~~(ae)~~  
26 (ad) The California Board of Podiatric Medicine.  
27 ~~(af)~~  
28 (ae) The Physical Therapy Board *of California*.  
29 ~~(ag)~~  
30 (af) The Arbitration Review Program.  
31 ~~(ah)~~  
32 (ag) The Committee on Dental Auxiliaries.  
33 ~~(ai) — The — Hearing — Aid — Dispensers — Examining~~  
34 ~~Committee.~~  
35 ~~(aj)~~  
36 (ah) The Physician Assistant ~~Examining~~ Committee  
37 *of the Medical Board of California*.  
38 ~~(ak)~~  
39 (ai) The Speech-Language Pathology and Audiology  
40 Board.



~~(af)~~

(aj) The Tax Preparers Program.

~~(am)~~

(ak) *The California Prosthetic and Orthotic Board.*

(al) Any other boards, *bureaus*, offices, ~~or~~ officers, or programs subject to its jurisdiction by law.

SEC. 2. Chapter 5.61 (commencing with Section 2580) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 5.61. PROSTHETIC AND ORTHOTIC  
PRACTITIONERS

2580. In enacting this chapter, the Legislature finds that orthotics and prosthetics are applied physical disciplines that address neuromuscular and structural skeletal problems in the human body with a treatment process that includes evaluation and transfer of forces using orthoses and prostheses to achieve optimum function, prevent further disability, and provide cosmesis. Orthotists and prosthetists work directly with physicians and representatives of other allied health professions in the rehabilitation of the physically challenged. The orthotist designs and fits devices, known as orthoses, to provide care to patients who have disabling conditions of the limbs and spine. The prosthetist designs and fits devices, known as prostheses, for patients who have partial or total absence of a limb.

It is the intent of the Legislature that if a prosthetic or orthotic device or service is provided on the basis of a licensed medical professional's prescription, then the person providing the prosthetic or orthotic service or device shall possess a current and valid prosthetic license, an orthotic license, or a prosthetic-orthotic license.

2580.1. A provider of orthotic services and devices shall be called an orthotist. A provider of prosthetic services and devices shall be called a prosthetist. A prosthetist licensed in this state shall be termed a Licensed Prosthetist or L.P., an orthotist licensed in this state shall be a Licensed Orthotist or L.O., an individual

1 licensed in both orthotics and prosthetics shall be a  
2 Licensed Prosthetist Orthotist or L.P.O.

3 2580.2. The prosthetic and orthotic licensure  
4 requirements of this chapter shall not apply to the  
5 following persons:

6 (a) Physicians licensed within this state for all  
7 prosthetic and orthotic services and devices that their  
8 medical specialty requires.

9 (b) Podiatrists licensed within this state for orthotic  
10 devices and services of the foot and ankle.

11 (c) Persons making or selling shoes and shoe  
12 modifications.

13 (d) Persons making or selling elastic compression  
14 stockings and sleeves.

15 (e) Persons making or selling breast prostheses for  
16 postmastectomy services and devices.

17 (f) Other licensed ~~medical~~ professionals who, within  
18 the scope of the practice authorized by their licenses,  
19 receive reimbursement from Medi-Cal for providing  
20 prosthetic or orthotic services or devices. This exemption  
21 shall not be construed to expand the existing  
22 authorization of these persons to provide prosthetic or  
23 orthotic services or devices.

24 2580.3. (a) A Prosthetic and Orthotic Board is hereby  
25 created in the Department of Consumer Affairs to  
26 administer the prosthetic and orthotic licensure  
27 requirements of this chapter. The board shall be  
28 completely self-funded through the licensing fees, testing  
29 fees, continuing education class fees, and penalty fees it  
30 may collect.

31 (b) The board shall consist of five members: three  
32 members shall be licensed in California in either  
33 prosthetics or orthotics or both, one member shall be a  
34 member of the public, and one member shall be a  
35 physician licensed in the State of California whose  
36 specialty has given him or her a knowledge of prosthetics  
37 and orthotics. The board members shall be appointed by  
38 the Governor to four-year terms, and each member shall  
39 serve until a successor is appointed. Members may be  
40 reappointed. For the initial appointment of licensee

1 members, the members shall only be required to be  
2 eligible for licensure in California in prosthetics or  
3 orthotics or both in California.

4 (c) Members of the board shall not be compensated,  
5 but shall be reimbursed for actual expenses incurred in  
6 performing necessary board duties. They shall be  
7 immune to lawsuits or prosecution arising from any  
8 official acts of the board.

9 (d) The board shall be responsible for the  
10 development and enforcement of the licensure  
11 requirements of this chapter. It shall conduct and oversee  
12 the necessary testing, verify eligibility, issue and track  
13 licenses and renewals, collect fees, and discipline  
14 violations. Its disciplinary powers shall include warnings,  
15 reprimands, fines, license suspensions, and license  
16 revocations for licensed prosthetic and orthotic  
17 providers. Its disciplinary powers shall also include  
18 warnings and fines for nonlicensed prosthetic and  
19 orthotic providers. The board shall have full powers to  
20 question, subpoena, and otherwise investigate violations  
21 of this chapter.

22 (e) The board shall set standards for continuing  
23 education, for determining what services can be  
24 provided by a nonlicensed individual under the  
25 supervision of a licensed practitioner, and for the type of  
26 examinations to be given. At a minimum, these standards  
27 shall be the same or more stringent than those of the  
28 recognized certification bodies for orthotists and  
29 prosthetists.

30 (f) The board shall hear and attempt to resolve  
31 consumer complaints regarding prosthetic and orthotic  
32 providers within this state.

33 (g) The board shall set the amount of fees to be  
34 collected from licensees; however, the annual licensing  
35 fee shall not exceed six hundred dollars (\$600) for each  
36 licensee. Testing and continuing education fees shall be  
37 set in a reasonable amount to cover the board's expenses.

38 2580.4. Initial licensure in prosthetics, orthotics, or  
39 prosthetics and orthotics shall only be granted to an  
40 individual who meets the following qualifications:

1 (a) Demonstrates eligibility to take the applicable  
2 board examination.

3 (b) Successfully completes the required examination  
4 in the applicable field of prosthetics or orthotics, or both.

5 (c) Pays all testing and licensing fees.

6 2580.5. Continued licensure in prosthetics, orthotics,  
7 or prosthetics and orthotics shall only be granted to a  
8 current licensee who meets the following requirements:

9 (a) Satisfies any continuing education requirements  
10 established by the board.

11 (b) Satisfies all applicable certification standards.

12 (c) Pays all annual license fees and other required fees.

13 (d) Is not the subject of a license suspension or  
14 revocation imposed by the board.

15 (e) Is not the subject of a suspension of participation  
16 for cause from Medicare or Medi-Cal.

17 2580.6. An exemption from the requirement that the  
18 Prosthetic and Orthotic Board examination be taken and  
19 passed to gain licensure shall be granted for a period of  
20 one year following the operative date of this chapter to an  
21 individual who meets the following requirements:

22 (a) Is *either* (1) certified by the American Board for  
23 Certification in Orthotics and Prosthetics or the Board for  
24 Orthotist Certification in the applicable ~~licensed~~ field of  
25 prosthetics, orthotics, or prosthetics and orthotics—~~for~~  
26 ~~each of the seven preceding years with no interruptions~~  
27 ~~in certification~~, and is currently certified in good standing  
28 or (2) *is not certified pursuant to paragraph (1), but has*  
29 *been actively and continuously practicing the full range*  
30 *of prosthetics, orthotics, or prosthetics and orthotics, on*  
31 *a full-time basis in this state for the past five years, and*  
32 *submits evidence to the Prosthetic and Orthotic Board*  
33 *verifying that practice, which for this purpose shall be*  
34 *defined as performing a full range of the patient care*  
35 *services and procedures of orthotics, prosthetics, or*  
36 *prosthetics and orthotics for a majority of the working day*  
37 *and having that practice as the primary portion of his or*  
38 *her job description.*



(b) Completes and submits the license application with all necessary documentation and fees within the one-year exemption period.

(c) ~~Maintains~~—*If eligible by virtue of meeting the requirements of paragraph (1) of subdivision (a), maintains* a current certification for the time licensed. If the certification lapses, is suspended, or is revoked, the individual is no longer eligible for licensure in this state and he or she shall be required to take the board examination when eligible *again*.

(d) Maintains the California prosthetics, orthotics, or prosthetics and orthotics license current without interruption. ~~If the license is allowed to lapse or expire lapses or expires, or is suspended or revoked,~~ the individual shall be required to *meet all license requirements and* pass the board examination before the license may be reissued.

(e) *If eligible by virtue of meeting the requirements of paragraph (2) of subdivision (a), maintains the continuous practice requirements as defined in that paragraph.*

2580.7. The following requirements shall be met by an individual to be eligible for the board examination:

(a) The individual shall hold a current and valid certification from a recognized certification body in the specific field of prosthetics, orthotics, or prosthetics and orthotics that is to be tested. The only recognized certification bodies are the American Board for Certification in Orthotics and Prosthetics and the Board for Orthotist Certification.

(b) (1) The individual shall hold a baccalaureate degree from a college or university accredited by the Western Association of Schools and Colleges or other regional accreditation agency that required the completion of the following core classes for the award of this degree:

(A) Biology with an associated laboratory component.

(B) Chemistry with an associated laboratory component.

(C) Physics with an associated laboratory component.

1 (D) Psychology.

2 (E) Computer science.

3 (F) Advanced mathematics, consisting, at minimum,  
4 of college-level algebra.

5 (G) Human anatomy with an associated laboratory  
6 component.

7 (H) Physiology with an associated laboratory  
8 component.

9 (2) The individual shall also complete the following  
10 technical education requirements, either as part of the  
11 curriculum required to obtain a baccalaureate degree or  
12 as part of the courses taken in his or her other professional  
13 education:

14 (A) Biomechanics.

15 (B) Gait analysis and pathomechanics.

16 (C) Kinesiology.

17 (D) Materials science.

18 (E) Research methodology.

19 (c) The required examination fees and  
20 documentation shall have been accepted and approved  
21 by the board.

22 ~~2580.8. On or before January 1, 2002, the following~~  
23 ~~exceptions shall apply with regard to eligibility to take the~~  
24 ~~board examination:~~

25 ~~(a) An individual who is not certified, but has been~~  
26 ~~actively practicing as an orthotist, prosthetist, or~~  
27 ~~orthotist/prosthetist for the past 10 years within the State~~  
28 ~~of California may take the applicable examination if all~~  
29 ~~documentation and fees are submitted to and accepted~~  
30 ~~by the Prosthetic and Orthotic Board within the one-year~~  
31 ~~period. The board shall verify documentation as to the~~  
32 ~~individual's experience in the specific field of~~  
33 ~~examination.~~

34 ~~(b) If the noncertified individual does not pass the~~  
35 ~~examination during the one-year exemption period, he or~~  
36 ~~she shall be allowed to take the examination for a second~~  
37 ~~time, provided the second attempt occurs no later than~~  
38 ~~one year after the first attempt.~~

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